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Otto Trucking LLC

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA -- SAN FRANCISCO DIVISION**

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.;  
OTTOMOTTO LLC; OTTO TRUCKING  
LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF JAMES LIN IN  
SUPPORT OF OTTO TRUCKING'S  
OPPOSITION TO WAYMO LLC'S  
MOTION FOR SANCTIONS**

Courtroom: 8 (19th Floor)  
Judge: Hon. William Alsup  
Trial: December 4, 2017

Filed/Lodged Concurrently with:  
1. Defendant's Opposition

1 I, JAMES LIN, declare:

2 1. I am an associate with the law firm Goodwin Procter LLP. I am a member in good  
3 standing of the Bar of the State of California and the Bar of this Court. I make this declaration  
4 based on personal knowledge and, if called as a witness, I could and would testify competently to  
5 the matters set forth herein. I make this declaration in support of Otto Trucking's Opposition to  
6 Waymo LLC's Motion for Sanctions (Dkt. No. 1910)

7 2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the  
8 transcript of August 28, 2017 the hearing in the above-captioned matter.

9 3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the August  
10 30, 2017 hearing in the above-captioned matter.

11 4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the August  
12 31, 2017 hearing in the above-captioned matter.

13 5. Attached hereto as Exhibit 4 is the as-served version of Dkt. No. 1481-2.

14 6. Attached hereto as Exhibit 5 is a true and correct copy of an email chain dated June  
15 23, 2017.

16 7. Attached hereto as Exhibit 6 is a true and correct copy of an email chain dated  
17 August 28, 2017.

18 8. Attached hereto as Exhibit 7 is a true and correct copy of an email chain parallel to  
19 Exhibit 7, also dated August 28, 2017.

20 9. On September 1, 2017, counsel for Uber, Inc. and Ottomotto LLC sent an email to  
21 counsel for Waymo LLC regarding its intention to share with its clients an amended redacted  
22 version of Exhibit 10 previously filed at Dkt. No. 1433-16. This email did not include as one of  
23 the recipients the distribution group email handle for all counsel for Otto Trucking LLC, which  
24 appears to have been inadvertent. As a result, not all counsel for Otto Trucking were aware of the  
25 discussion pertaining to Exhibit 10 that followed from this initial September 1, 2017 email.

26 10. On September 6, 2017, pursuant to the Court's Order re: Administrative Motion to  
27 Seal (Dkt. No. 1444), Otto Trucking re-filed the public version of the letter brief previously filed  
28 at Dkt. No. 1433-2, and also the amended redacted version of Exhibit 10 previously filed at Dkt.

1 No. 1433-16. Before filing Exhibit 10, Otto Trucking amended the redactions in Exhibit 10 to  
2 redact “the email addresses, the technical information on the first and sixth pages (*id.* at 2, 7), and  
3 the IP address on the third page (*id.* at 4).” Dkt. No. 1444. At the time of the filing of both the  
4 letter brief and Exhibit 10, filing counsel for Otto Trucking was unaware of the September 1 email  
5 discussions among counsel for Waymo, Uber, and Ottomotto.

6 11. Otto Trucking re-filed the public versions of the letter brief and Exhibit 10 at Dkt.  
7 No. 1481, Notice of Public Re-Filing in Response to Court Order Denying in Part Administrative  
8 Motion to File Under Seal (the “Notice of Refiling”). The Notice of Refiling was served  
9 electronically through ECF to all counsel of record and the Special Master. Upon information and  
10 belief, the procedure used for filing and serving the Notice of Refiling was substantively identical  
11 to the procedure used for filing and serving other documents Otto Trucking has regularly filed in  
12 this case. Upon information and belief, no error had returned from the September 6, 2017 filing  
13 and service of the Notice of Refiling.

14 I declare under penalty of perjury under the laws of the United States that the foregoing is  
15 true and correct. Executed this 4th day of October, 2017 in Menlo Park, California.

16  
17 /s/ James Lin  
18 JAMES LIN  
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